

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 1/16/2024

-----X
UNITED STATES OF AMERICA

-v-

KWOK HING LEE et al.,
-----X

97-cr-01053 (LJL)

ORDER

-----X
JUAN J. RODRIGUEZ,

Petitioner,

-v-

UNITED STATES OF AMERICA

Respondent.
-----X

05-cv-08283 (LJL)

ORDER

LEWIS J. LIMAN, United States District Judge:

In February 2001, Juan Javier Rodriguez was convicted of conspiring to distribute and possessing with intent to distribute heroin, in violation of 21 U.S.C. §§ 846 and 841(a)(1). *See* CM-ECF 97-01053, Dkt. No. 385. Rodriguez did not appeal his conviction. In September 2005, Rodriguez filed a motion to vacate, set aside, or correct the sentence pursuant to 28 U.S.C. § 2255. *Id.* Judge McKenna, who was then assigned to the case, denied the motion as untimely. *Id.* On January 8 and 12, 2024, Rodriguez filed the instant petition for writ of error coram nobis. *See* CM-ECF 97-01053, Dkt. No. 455; CM-ECF 05-cv-8283, Dkt. No. 3. The United States

Attorney for the Southern District of New York is ORDERED to file an answer or motion to the petition within 30 days of the date of this Order. Respondent shall also send a copy of this Order, by certified mail read-receipt, to Petitioner Rodriguez.

The Clerk of Court is respectfully directed to serve a copy of this order and the petition, by certified mail read-receipt, to the United States Attorney for the Southern District of New York.

SO ORDERED.

Dated: January 16, 2024
New York, New York

A handwritten signature in black ink, appearing to read 'L. Liman', is written over a horizontal line.

LEWIS J. LIMAN
United States District Judge